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November 6, 2009

**Via Hand Delivery**

Michael Elabarger, Planner  
Loudoun County Dept. of Planning  
One Harrison Street, SE, 3rd floor  
Leesburg, VA 20176

Re: Belmont Glen Village ZCPA 2009-0007 & ZMOD 2009-0004

Dear Mr. Elabarger:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING  
(KELLY WILLIAMS, 10/5/2009)**

**ANALYSIS**

**A. LAND USE**

The application proposes to maintain 196 single-family detached dwelling units at a density of 1.37 dwelling units per acre as previously approved in ZMAP 2004-0006. Further, this application is proposing an increase in the amount of open space provided from 92.3 acres to 96.9 acres.

***The proposal is in compliance with the Land Use Mix polices of the Revised General Plan.***

***Applicant Response: The applicant concurs with this analysis.***

**B. EXISTING CONDITIONS**

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**ATTORNEYS AT LAW**

### **1. River and Stream Corridor**

Belmont Glen Village is located within the Goose Creek watershed and includes river and stream corridor resources (Revised General Plan, Chapter 5, River and Stream Corridor Resources Map & Major and Sub-Watersheds Map). The Revised General Plan establishes stream corridor policies that reinforce the important role rivers and stream corridors play in protecting Loudoun County's water resources (Revised General Plan, Chapter 5, River and Stream Corridor Resources and Surface and Groundwater Resources, text). Stream corridor policies include the protection of rivers and streams, adjacent steep slopes, wetlands, forests, and historic, cultural and archeological resources within the floodplain, and a 50-foot management buffer adjacent to the floodplain and steep slopes (Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 2). Within the floodplain and 50-foot management buffer, uses are limited to activities that will support and enhance the biological integrity and health of the river and stream corridor, including passive and active recreation, road crossings, pervious paths and trails, and agricultural activities (Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 18).

This site is bounded by Goose Creek along the western portion of the property. Goose Creek in Loudoun County is designated as a "Scenic River" by the Commonwealth of Virginia and is further protected by Plan policy which calls for the establishment of a 300-foot no-build buffer wherever it exceeds the 50-foot management buffer (Revised General Plan, Chapter 5, Scenic Rivers and the Potomac River, policy 1). The Plan also recommends the voluntary establishment of a greenbelt along Goose Creek and its reservoir which extends 1,000 feet beyond the 300-foot no-build buffer (Revised General Plan, Chapter 6, Green Infrastructure Policy, policy 1).

It appears that the 300-foot Goose Creek Buffer as shown on the CDP includes the river and stream corridor elements, (floodplain, adjacent steep slopes, and the 50-foot management buffer) however, each element itself has not been delineated. The floodplain limits, adjacent steep slopes, and the 50-foot management buffer along with the 300-foot Goose Creek Buffer should be added to the CDP.

The original rezoning was approved with the all of the proposed 196 lots outside of the 300-foot no build buffer. While this proposal has moved most of the lots further away from the buffer, two lots now encroach within the buffer limits. In order to minimize impacts to the riparian corridor, staff recommends removing lots 170 and 171 from the buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on in the Plan, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment" (Revised General Plan, Chapter 6, Forest, Trees and Vegetation, text).

**Staff recommends that the two lots which encroach within the 300' no build buffer of Goose Creek be reconfigured to be located outside of the buffer and that all the features of the river and stream corridor (floodplain limits, steep floodplain, adjacent steep slopes, and the 50 foot management buffer) be delineated on the CDP.**

**Applicant Response:** *The two lots now are located outside of both the 300-foot scenic and the 50-foot RSCOD management buffers. The floodplain line, adjacent steep slope areas, the 50-foot management buffer and the 300-foot scenic buffer are all delineated on the concept plan.*

## **2. Steep Slopes**

The proposed CDP has provided additional information related to steep slopes which was not available at the time of the original rezoning approval. According to the plan submitted there are greater areas of moderately steep slopes and steep slopes than what was previously identified. Moderately steep slopes refer to areas with a 15%-25% grade. Steep slopes include areas greater than a 25% grade (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, text*). The hazards associated with the disturbance of steep and moderately steep slopes include erosion, building and/or road failure, and downstream flooding. For these reasons, the Plan calls for the County to prohibit land disturbance on steep slopes and special performance standards when developing on moderately steep slopes (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, policy 3*). "Standards will include best management practices, locational clearances for clearing and grading, and approval of natural drainageways" (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, policy 3*).

As stated in ERT's referral dated September 23, 2009, land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 Loudoun County Zoning Ordinance. Staff recommends reconfiguring the site to completely avoid very steep slopes or depict potential house, driveway, and limits of clearing and grading on those lots with very steep slopes to demonstrate that there is sufficient buildable area.

**Staff recommends that the project be designed to minimize impacts to moderately steep slopes and that commitments be made to protect the steep slopes areas during construction activities. Staff further defers to the Building and Development Environmental Review team (ERT) for further technical review of this issue.**

**Applicant Response:** *The steep slope areas are predominately located outside of the building areas of lots. The steep slopes shown on lots 170, 171 and 172 are manmade resulting from an old roadbed located on these proposed parcels.*

### **3. Wetlands**

The County's Predictive Wetlands Model indicates that wetlands exist throughout the site. The County supports the federal goal of no net loss to wetlands (*Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 23*) and seeks to protect its green infrastructure elements and recapture elements where possible (*Revised General Plan, Chapter 6, Green Infrastructure, text*). Mitigating wetland and stream impacts close to the impact area will help maintain water quality and flood protection functions, as well as habitat. Potential wetlands have been identified on-site via the County's wetlands predictive model.

***Staff recommends the proposed layout maximize protection of jurisdictional wetlands and streams, particularly the south-central wetland system. Staff recommends that the applicant commit to prioritizing any required wetland mitigation as follows: 1) on-site, 2) within the Goose Creek Watershed within the same Planning Policy Area, 3) within the Goose Creek Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the Army Corp of Engineers and the Virginia Department of Environmental Quality (DEQ).***

***Applicant Response:*** *This property has already undergone extensive engineering and environmental analysis, and wetlands permits have been issued by the Army Corps of Engineers. To the extent the revised lay-out affects these permits and any other wetlands areas beyond what is currently permitted, the applicant agrees to provide mitigation either on-site or within Loudoun County.*

### **4. Stormwater Management**

The Plan states that major water resource issues for the County include protecting groundwater and surface water (i.e., streams and wetlands) from contamination and pollution as well as preventing the degradation of water quality in watersheds (*Revised General Plan, Chapter 5, Surface and Groundwater, text*). The Plan promotes the use of low impact development (LID) techniques, which integrate hydrologically functional designs with methods for preventing pollution (*Revised General Plan, Chapter 5, Surface and Groundwater policy 2*). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source and can include permeable paving, vegetative buffer or filter strips, and the collection and use of rooftop run-off for irrigation and green roofs.

According to the statement of justification, the elimination of alleys and the revised street design will result in approximately 1.2 acres of impervious surface on the property. It appears that the application is proposing to provide a regional pond rather than using LID standards as approved and proffered in the original rezoning as the LID BMPs have been removed from this plan.

***Staff recommends that the application should include a consistent SWM/BMP approach. Providing additional low impact development facilities throughout the site may also help to meet the FSM Reservoir Protection Requirements which requires a reduction in pollutant load consistent with an average land cover condition of 10 percent impervious cover.***



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***Applicant Response:*** *The approved construction plans for the current approved lay-out meet all stormwater management requirements and were approved as a result of extensive review by County environmental staff. The concept development plan, however, has identified three potential sites for LID facilities to be determined at the time of construction plan approval for the revised lay-out.*

#### **5. Sustainable and Energy Efficient Design**

The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative impacts (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principle 12, pg.*

***Staff recommends that the Applicant commit to incorporating sustainable and energy efficient design and construction principles during the development of this project.***

***Applicant Response:*** *The applicant is committing to construct the units according to the National Association of Homebuilders (NAHB) National Green Building Program bronze level certification, which is indicated in the draft proffers.*

#### **C. SITE DESIGN**

The Revised General Plan states that Residential Neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure.

Design guidelines included in the implementation section of the Revised General Plan outline key design features to be addressed in these developments (*Revised General Plan, Chapter 6, Residential Neighborhood Policies, policy 4*). The Revised General Plan states that Residential Neighborhoods will exhibit the following design characteristics desired by the County:

- Compact site layout to reduce trips within the neighborhood, facilitate alternative forms of transportation, preserve the Green Infrastructure, and result in reduced transportation and utilities infrastructure costs;
- Pedestrian-scale streetscape including such features as street trees, sidewalks along all street frontage, and street lighting;
- A predominantly interconnected street pattern with inter-parcel connections;
- A combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1500 feet of all residences, and a formal civic square or other public space located in conjunction with a civic facility, Neighborhood Center, or other use, to create a focal point for the community;

- The location of public and civic uses such as churches and community centers in prominent sites to act as landmarks within the neighborhood; and,
- A variety of lot sizes (*Revised General Plan, Chapter 6, Residential Neighborhood Policies, Policy 4*).

This application is proposing to change the design of the site from a traditional design pattern to a more suburban design pattern. In accordance with Plan policy, residential design elements as outlined above are more traditional in nature where it encourages interconnected streets, pedestrian circulation and convenient public and civic uses. This application proposes to eliminate the rear alleys and grid street pattern and to use cul-de-sacs which are representative of a more suburban style development pattern.

The applicant has stated that the change in design results in the protection of environmental features, and preserving permanent open space and the environmental integrity of the property. As stated in the Plan "In some circumstances the use of cul-de-sacs and curvilinear streets will be essential in order to implement conservation design." (*Revised General Plan, Chapter 6, Design Guidelines, Residential Neighborhoods, Streetscape, text*). They should be used to the minimum required to address environmental and engineering concerns.

It appears that the development envelope of the site is very similar to that of the original rezoning approval, therefore more information as to the location of the additional protected environmental features should be provided in order to justify the change to the layout of the pedestrian and road network to a more suburban style of development. The original design of this project was more in keeping with Plan policy than the proposed design.

Several design elements could be added to this application to better incorporate the design objectives of the Plan for a residential community. They are as follows:

- The layout of the site could provide more connectivity for pedestrians such as sidewalks on both sides of the street;
- Better pedestrian connections to the community center/pool, particularly between lots 163-164 and 120-121;
- Front loaded garages set back from the front of the homes; and,
- Pedestrian-scale streetscape including such features as street trees, benches, and street lighting.

***Staff recommends that the applicant provide additional information and justification as to why the change in site design better implements the Plan's objectives for this community with respect to environmental features which may not have been protected in the original development's design. Staff further recommends that design elements, such as outlined above, be incorporated in the design to create a development that exhibits a more traditional development pattern.***

***Applicant Response:*** *The applicant enumerated the reasons why the revised site design better implements the Revised General Plan's objectives with respect to environmental features as compared with the approved concept plan for the property in the Statement of Justification, which is included as follows:*

*"The revised concept plan, which works better with the existing grades on the property, offers many advantages over the approved concept plan lay-out, outlined as follows:*

- The proposed design is more consistent with the existing topography resulting in less overall earthwork and existing landform modification.*
- The more efficient lay-out reduces infrastructure needs including reduced road lengths, site utilities, elimination of alleys, less need for retaining walls, and, when needed, smaller retaining walls, and a potential decrease in wetland impacts.*
- By following the topography, the pedestrian network will be more user friendly, especially in terms of ADA accessibility, with less steep grades encountered in the pedestrian system.*
- As a result of eliminating the alleys and a more efficient street lay-out, there is a 5.2 acre reduction of the impervious surface on the property, an increase in the pervious area on individual lots, and an overall increase in the open space on the property.*
- The central community open space has increased nearly two acres in area from 1.8 acres to 3.6 acres, while the significant open space area preserved along Goose Creek remains unaffected.*
- These elements also potentially lead to a decrease in the stormwater management requirements, thereby allowing for increased opportunities to use low impact design techniques.*
- Together, these features result in a "greener community" design.*
- The costs of home construction also are reduced as a result of the revised lay-out, resulting in a more-cost efficient home to the consumer.*
- Along with the advantages of the revised lay-out listed above, there will be no detrimental effects to the County as a result of the proposed ZCPA, since the existing proffers will be essentially maintained and there will be no increase in the number of dwelling units."*

*Additionally, the applicant is now providing sidewalks on both sides of the street and is willing to provide streetscape features such as street trees (on lots, not within the right-of-way) and street lighting at intersections. Pedestrian connections have been added to the community center/pool area between lots 162-163 and 121-122.*

#### **D. PEDESTRIAN AND BICYCLE LINKAGE**

The County is committed to establishing an integrated trails system for pedestrians and cyclists, and will work to establish connections among pedestrian and bicycle sidewalks, paths, and trails *Revised General Plan, Chapter 5, Greenways and Trails, text*). All development proposals need to include pedestrian and bicycle design and a development program that is consistent with national guidelines, including the AASHTO Guide for the Development of Bicycle Facilities, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the Loudoun County Bicycle and Pedestrian Facility Design Toolkit (*Bike/Ped Plan, Transportation Project Development Policies, policy 2*). Regarding internal pedestrian connections, five foot wide sidewalks on both sides of the street should be provided, consistent with the Bike/Ped Plan (*Bike/Ped Plan, Walkway & Sidewalk Policies, policy 2a*).

***Staff recommends that sidewalks be provided on both sides of the street to fully implement the policies of the Bike/Ped Plan. Further, staff recommends that in order to access the community center, a pedestrian access be established between lots 163-164 and 120-121.***

***Applicant Response: Sidewalks are being provided on both sides of the street, and pedestrian access has been established between lots 163-164 and 121-122. Two pedestrian access points are being provided to the open space area along Goose Creek, and a six-foot trail is being provided through the centrally located village green open space. A natural surface trail is being provided between the Belmont Ridge Road trail and Fairhunt Drive.***

#### **E. UNMET HOUSING NEEDS**

On September 18, 2007, the Board of Supervisors adopted revised housing policies that recognize that unmet housing needs occur across a broad segment of the County's income spectrum and promote housing options for all people who live and/or work in Loudoun County (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Chapter 2, Housing text*). Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$99,000 for 2008) (*Revised General Plan, Glossary and CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policy 2*). Developers of residential and mixed-use projects are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Funding Policies, policy 1*).



The County encourages each development proposal that includes a residential component to address unmet housing needs recognizing that the largest segment of unmet needs is housing for incomes below 30% (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policy 14*). Plan policies encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents and the homeless) as well as the application of universal design principles (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policies 8 and 11*).

***Staff recommends a commitment that addresses the full spectrum of unmet housing needs up to 100% of the AMI, recognizing that the largest segment of unmet housing needs is housing for incomes below 30% of the AMI. Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.***

***Applicant Response:*** *The applicant is willing to proffer \$500 per unit toward unmet housing needs pursuant to current Revised General Plan policies.*

#### **F. CAPITAL FACILITIES**

Under the *Revised General Plan*, all residential rezoning requests will be evaluated in accordance with the Capital Facility policies of the Plan (*Revised General Plan, Chapter 3, Proffer Policies, policy 3*). The *Revised General Plan* calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (*Revised General Plan, Proffer Guidelines, Capital Facilities, policy 1*).

***The application is proposing no changes in residential acreage, unit number, unit type or density with this application, therefore the previously proffered capital facilities contribution of \$5,793.23 per unit as specified in the previously approved proffers of ZMAP 2004-0006 shall be retained.***

***Applicant Response:*** *Comment noted. Since the per unit amount appears to be low, the applicant would like to point out that the prior rezoning of the property was for a modest increase in density from 143 units by-right to 196 total units. Therefore, the capital facilities proffer applied to only 53 units. That amount was spread over the entire 196 units for actual payment, as is the customary payment methodology for the capital facilities proffer.*

#### **G. OPEN SPACE PRESERVATION PROGRAM**

To achieve higher density housing, "the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program". "Land contribution on an acre-by-acre basis is desired. However, if the land offered does not suit the County in terms of quality or location, the County may consider cash in lieu of the land for the purchase of open space. The County anticipates that cash donations for open space will be spent in the Suburban Community in which the increased density is granted" (*Revised General Plan, Chapter 11, Proffer Guidelines, Open Space, policy 3*). Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development.

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***The application has been revised and is proposing no changes in residential acreage, unit number, unit type or density with this application, therefore the previously proffered open space shall be retained.***

***Applicant Response: The proposed site lay-out retains two-thirds of the property as open space, as does the original rezoning lay-out.***

#### **MODIFICATIONS**

The applicant is also requesting a several Zoning Ordinance Modifications (ZMODs) for the proposed project relating to Affordable Dwelling Units (ADUs), buffer requirements for lots 37-40 and lots 48-51, and the height restriction for lot 40. These modifications are comparable and consistent with those approved in the original rezoning.

***Staff has no issues with the proposed zoning modifications.***

***Applicant Response: Comment noted. Due to a revision in the lay-out, the buffer modification request no longer applies to lot 40 and the building height modification request has been withdrawn.***

#### **RECOMMENDATION**

This proposal is consistent with the land use policies of the Revised General Plan for the development of residential uses in this location. However, staff is not able to fully evaluate the proposal until such time as the issues outlined in this referral related to the 300-foot Goose Creek no build buffer, steep slopes and wetlands, site design of the street layout and pedestrian circulation network and unmet housing needs have been addressed.

***Applicant Response: The buffers, steep slope, wetlands, pedestrian circulation and unmet housing needs comments have been addressed in this response letter and on the revised concept plan and draft proffers.***

#### **LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ZONING ADMINISTRATION (VAL THOMAS, 9/25/2009)**

- 1. Modification of required buffer adjacent to residential development, R-8 (Single-Family Residential) Zoning District, § 3-509(C), Additional Development Standards – Minimum Buffer.**

**Section 4-109(C) Site Planning, External Relationships – Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses.**

**Proposed Modification** – Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;

A minimum 30-foot permanent open space buffer along lots 48-51, lots containing a minimum of 9,000 square feet;

A 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet;

A six-foot side yard along lot 40, a lot containing 6,000 square feet.

**Applicant's Justification** – The Applicant notes that the adjacent Goose Creek Preserve property is zoned PD-H4, at a higher density than Belmont Glen and has no required minimum lot size. Both properties propose single family detached units along the common property boundary and Goose Creek Preserve is providing an open space buffer along the common boundary with Belmont Glen Village. This open space buffer is wooded with mature stand of trees.

**Staff Response** – The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse influences. While Staff does not believe that the development provides for an innovative design, the open space buffer provided on the adjacent development, the minimum required rear yard setback and reduced open space buffer on these few lots serves the required visual separation of the Ordinance. Further, the development is proposed to locate in close proximity to the Goose Creek Preserve property thus maximizing the open space buffer along Goose Creek (67% of the site will be maintained as open space). It should be noted however that the modification to provide a 25 foot rear yard along lots 38 and 39 is more a modification to eliminate the buffer requirement on these lots, since the 25-foot rear yard is required in addition to the 50 foot permanent open space buffer by the Zoning Ordinance. Staff notes that no buffer yard is illustrated on the CDP for any section of the development and asks that the Applicant depicts and label the buffer yard on the CDP (whether providing the required 50 feet or a reduction thereof) before Staff can support this modification.

**Applicant Response:** *The buffer yards have been depicted and labeled on the revised CDP.*



It should be noted that the side yards are regulated by a separate section of the R-8 Zoning District (Section 3-506(C)(1)(b)) and therefore a proposed reduction of the side yard to 6 feet for Lot 40 should be requested as a modification of this section separately.

***Applicant Response:*** Lot 40 has been moved to the prior open space area between lots 154 and 155. As a result, there no longer is the need for the suggested side yard modification, and the height restriction modification for lot 40 has been withdrawn.

2. **Modification of height limitation at the edge of PD-H district PD-H (Planned Development-Housing) Zoning District, § 4-109(E) Site Planning, External Relationships – Height limitations at edges of PD-H districts.**

***Proposed Modification*** - Request modification that the imaginary plane at the edge of the PD-H district shall not apply to lot 40.

***Applicant's Justification*** – The Applicant notes that the Goose Creek Preserve development is providing a minimum 90 foot open space buffer adjacent to lot 40. The open space buffer is wooded with mature stand of trees, providing ample visual separation between the two neighborhoods.

***Staff comment-*** The maximum building height permitted in the R-8 zoning district for single family detached units is 40 feet. The 90 foot open space buffer provided in the Goose Creek Preserve development in addition to the minimum required yard will provide for at least 106 feet building distance between the two developments which have similar zoning and uses proposed adjacent to each other. Staff however, asks the Applicant to provide the required additional side yard setback of lot 40 in order to meet the height limitation at the edge of the district (property) before staff can support this modification. The diagram on Sheet 7 is incorrect as it depicts the imaginary plane angle from the property line and rear yard, instead of the property line and side yard. The Applicant has noted on Sheet 7 that for proposed lots 38, 39, 49 and 50, drawings will be submitted with the zoning permits for the referenced lots to demonstrate conformance with Section 4-109(E) of the Ordinance. Staff recommends that this be included in the proffer statement.

***Applicant Response:*** Lot 40 has been moved to the prior open space area between lots 154 and 155. As a result, there no longer is the need for the suggested side yard modification, and the height restriction modification for lot 40 has been withdrawn. The draft proffers includes the note from sheet 7 to provide drawings at the time of zoning permit issuance for lots 38, 39, 49 and 50.



**3. Modification of ADU Requirements to permit cash in lieu of units, § 7-103(A)(1) Single Family Detached and Single Family Attached Units.**

*Proposed Modification* - Request modification to permit cash buyout in lieu of the required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3), which states as follows:

... any request for rezoning, special exception, or preliminary subdivision (by right) which contains only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

- (a) The cash formula of Section 7-108(E) shall apply.
- (b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.
- (c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.
- (d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.

*Applicant's Justification* – The Applicant notes that the proposed application is an amendment to ZMAP 2002-0007 and adopted as ZMAP 2004-0006 as part of a court settlement of the original rezoning application. The proposed application is seeking to retain the proffers and applicable modifications that were adopted under ZMAP 2004-0006, and this modification is identical to the modification approved under ZMAP 2004-0006.

**Staff comment-** The original application ZMAP 2002-0007 fully complied with all Zoning Ordinance provisions, including Article VII governing affordable dwelling unit developments and included a cash buy-out of the affordable dwelling units for 6.25% of the total units payable to the County prior to issuance of the first zoning permit on the property. ZMAP 2004-0006 was adopted with the same modification. The cash buy-out included in the approved proffers meets the cash formula of Section 7-108(E) in effect on December 1, 2003. The original modification was granted as part of the rezoning application constituting all single-family detached dwelling units. No bonus density was approved for this application and the Article VII district regulations were not used. It should also be noted that the Modification Subcommittee of the Affordable Dwelling Unit Advisory Board (ADUAB) as well as the full ADUAB recommended approval at the time of the rezoning, as did staff. Staff therefore supports this modification.

**Applicant Response:** *Comment noted.*

### **III. PROFFER STATEMENT:**

1. The Applicant has not provided any proffers to date. If the proffers approved with ZMAP 2004-0006 are proposed to be revised, then they must be submitted as part of the Applicant's response to the first written review of the issues.

**Applicant Response:** *Draft proffers have been included with this submission.*

2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.

**Applicant Response:** *The draft proffers follow these guidelines.*

3. Staff asks the Applicant to clarify any new proffers, deletion or revision of existing proffers etc.

**Applicant Response:** *The draft proffers have been formatted to reflect new proffers, deleted proffers and revisions of existing proffers.*

### **IV. OTHERS:**

1. A 50 foot permanent open space buffer is required between land bays pursuant to Section 3-509(C) and 4-110(I). The Applicant may either provide this buffer or request a modification of the requirement.

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**Applicant Response:** *The applicant has eliminated the land bays from the concept plan, which means this requirement no longer applies.*

2. It is not clear why the Applicant is proposing 3 different land bays (A, B & C) when only single family detached units are proposed in the development. Clarify.

**Applicant Response:** *The applicant agrees with staff and has eliminated the land bays from the concept plan.*

3. On the Cover Sheet, include the Land Development Application number, ZCPA 2009-0007 & ZMOD 2009-0004.

**Applicant Response:** *The cover sheet has been revised to include the application numbers.*

4. It appears that proposed Land Bay B consists of two sections that are not connected to each other. Clarify.

**Applicant Response:** *The applicant has eliminated the land bays from the concept plan, so this comment no longer is pertinent.*

5. The property contains areas of moderately steep slopes and very steep slopes. Include a note on the Cover Sheet that development of the property will comply with Section 5-1508 of the Zoning Ordinance.

**Applicant Response:** *The recommended note has been added as note 27 on the cover sheet.*

6. On Sheet 6, please remove the reference to Section 4-2005 of the Ordinance, as this is no longer part of the Zoning Ordinance.

**Applicant Response:** *Sheet 6 has been revised as recommended.*

7. On the CDP (Sheet 3), depict and label the 6 foot wide trail as approved with ZMAP 2004-0006. Further, depict and label all sidewalks.

**Applicant Response:** *Sheet 3 has been revised, but the pedestrian circulation plan is shown on Sheet 4. Due to environmental impacts, not all trail connections approved with ZMAP 2004-0006 have been retained in the proposed CDP. However, sidewalks are being provided on both sides of the street, and pedestrian access has been established between lots 163-164 and 121-122 in response to the Community Planning suggestion. Two pedestrian access points are being provided to the open space area along Goose Creek, and a six-foot trail is being provided through the centrally located village green open space. A natural surface trail is being provided between the Belmont Ridge Road trail and Fairhunt Drive.*

8. On the CDP (Sheet 3), label the active recreation/village green/swimming pool.

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**Applicant Response:** *Sheet 3 has been revised as recommended.*

9. Depict and label the minimum required 50 foot buffer adjacent to Belmont Glen to the south.

**Applicant Response:** *The buffer adjacent to Belmont Glen to the south has been added to the concept plan.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT (WILL HIMEL, 9/21/2009)**

1. On sheet 1 of the plat, it is recommended that in Note 23 specific schools not be listed, as these will likely change. Alternately, a revision of the note reading "the property is proposed to be served by the following public facilities:" or similar is recommended.

**Applicant Response:** *Since the application checklist requires this information on the concept plan, the note has been revised to reflect that school attendance boundaries are subject to change.*

2. Throughout the plat the label for Goose Creek is small: it is recommended that this be increased in size.

**Applicant Response:** *The Goose Creek label has been revised as recommended.*

3. Throughout the plat Staff recommends numbering of otherwise identifying each of the individual open space parcels [ex.: A, B, C, etc.].

**Applicant Response:** *The open space parcels have been given identifying labels as recommended.*

4. On sheet 3 and elsewhere on the plat, there is a parcel adjacent to proposed Lot 39 that is not labeled but would appear to be open space. It is recommended that this be reviewed and revised as needed.

**Applicant Response:** *The open space parcel adjacent to lot 39 has been labeled as recommended.*

5. On sheet 2 of the Statement of Justification, at the end of Line 3 under Project Summary, please revise the spelling of 'singe' to single.

**Applicant Response:** *The Statement of Justification has been revised to correct the spelling error.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ENVIRONMENTAL REVIEW TEAM (TODD TAYLOR, 9/23/2009)**



*Regarding stream buffers*

1. Sheets 2, 3, and 6 identifies a “300’ Goose Creek Scenic Easement”. The legend on sheets 2 and 6 states that it “includes the greater and cumulative width of the 100’ minimum protected stream corridor width, measured 100’ from the Goose Creek 100-year floodplain and the 300-foot Scenic Goose Creek Buffer, per Section 4-2005 A and B of the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO)”. Please note that the referenced section is no longer part of the Revised 1993 LCZO. However, the buffers remain applicable through Facilities Standards Manual (FSM) requirements and Revised General Plan (RGP) policies. Staff recommends replacing the source information in the legend with the following:
  - 300-foot Reservoir Protection Buffer per FSM Section 5.320.D.7.a and RGP Surface Water Policy 10
  - River and Stream Corridor 50-foot Management Buffer surrounding the floodplain and adjacent steep slopes (slopes 25 percent or greater, starting within 50 feet of the floodplain and extending no farther than 100 feet beyond the floodplain) per RGP River and Stream Corridor Policy 2

**Applicant Response:** *The source information on the legend on Sheet 2 has been revised as recommended.*

2. For clarity, please identify the 300-foot Reservoir Protection Buffer and River and Stream Corridor 50-foot Management Buffer independently in plan view. [FSM Section 5.320.D.7.a, RGP Surface Water Policy 10, and RGP River and Stream Corridor Policy 2]

**Applicant Response:** *Both of these buffers have been depicted and labeled separately on the revised concept plan.*

3. To minimize impacts to the riparian corridor, staff recommends removing lots 170 and 171 from the River and Stream Corridor 50-foot Management Buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on Page 5-32 of the RGP, “riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment”.

**Applicant Response:** *Lots 170 and 171 have been removed from the fifty-foot management buffer.*

*Regarding steep slopes*

4. Please add a note to Sheet 1 indicating the basis for the steep slope designations (i.e. Steep Slopes are derived from 2-foot topography). [Revised 1993 LCZO Sections 5-1508 and 6-407]

**Applicant Response:** *Sheet 1 has been revised as recommended with the addition of Note 27.*

5. Staff notes that the steep slope limits provided on the rezoning plan set differ from the steep slope limits provided on preliminary subdivision SBPL-2004-0026. Please clarify. [Revised 1993 LCZO Sections 5-1508 and 6-407]

**Applicant Response:** *On the prior plans, steep slope areas less than 5,000 square feet in area were not required to be shown. These areas have been added to this plan to conform to current requirements.*

6. Please add moderately steep slopes to Sheet 6. [ZCPA Checklist Item J.2]

**Applicant Response:** *Sheet 6 has been revised as recommended.*

7. To demonstrate compliance with the Steep Slope Standards in Section 5-1508 of the Revised 1993 LCZO, staff recommends providing a steep slope exhibit on a separate plan sheet at a 1 inch equals 100 feet scale. The exhibit should include very steep slopes (greater than 25 percent), moderately steep slopes (15 to 25 percent), topography, jurisdictional wetlands and streams, drains, forest cover limits, and the development layout, including roads, lots, stormwater management (SWM)/best management practice (BMP) facilities, and utilities. [ZCPA Checklist Item J.2]

**Applicant Response:** *Sheet 6 is now displayed at a scale of one inch equals 100 feet.*

8. The road providing access to lots 19-39 crosses a small area of very steep slopes. The crossing was approved as part of SBPL-2004-0026 based on an agreement to use a con-span crossing. A letter dated January 27, 2006, from J. Randall Minchew with Walsh, Colucci, Lubeley, Emruch, & Terpak, P.C., was submitted to the County describing the crossing. In addition, the approved preliminary subdivision plan clearly depicted the con-span crossing and associated abutments. Staff recommends that the con-span crossing and abutments be clearly depicted on the rezoning plan set, including the steep slope exhibit described above. The abutments should be clearly outside of the very steep slope area. As an alternative that better protects the steep slopes along this drainage corridor and avoids higher costs associated with bridge construction, staff recommends that the applicant fully explore accessing the lots via an inter-parcel connection with the property to the east.

**Applicant Response:** *The applicant acknowledges that the preliminary subdivision and construction plans for the revised lay-out will require a con-span crossing to access lots 19-39. The proposed con-span and abutments are shown on the steep slope /road crossing enlargement on Sheet 7.*

9. Land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 LCZO. Revise lots to completely avoid very steep slopes or depict potential house, driveway, and limits of clearing and grading on those lots with very steep slopes to demonstrate that there is sufficient buildable area.

**Applicant Response:** *Most lots have been removed from steep slope areas, with a few exceptions of isolated small (less than 5,000 square feet) areas containing steep slopes. Lots where these occur, the house, driveway and limits of clearing and grading have been depicted in detail on Sheet 7.*

10. Very steep slopes are depicted on lots 170 and 173. According to SBPL-2004-0026, the steep slopes are associated with an old road bed. If that is accurate, please label the very steep slopes as "man-made - associated with an old road bed" on the rezoning plan set, including the steep slope exhibit described above. Staff plans to conduct a site visit to confirm the conditions.

**Applicant Response:** *These steep slopes are associated with an old road bed, and the concept plan has been labeled as such, as recommended.*

*Regarding water quality*

11. The subject property is located in the Goose Creek Reservoir Protection Area and is subject to the standards in FSM Section 5.320.D.7.b, including a reduction in pollutant load consistent with an average land cover condition of 10 percent impervious cover. Please provide a note on the plat referring to the standards outlined in FSM 5.320.D.7.b.

**Applicant Response:** *The note has been added as Note 28 to Sheet 1 as recommended.*

12. FSM Section 5.320.D.7.b.iv requires all storm drainage inlet structures to be marked to indicate that they drain to a drinking water supply and that no dumping into such inlet structures is permitted. Please update existing Proffer 22 to be consistent with the FSM requirement.

**Applicant Response:** *The proffer has been deleted, since this provision is now an FSM requirement and is no longer necessary as a proffer.*

13. While seven “Low-Impact BMPs” were shown on the plan set associated with rezoning ZMAP-2004-0006, only one stormwater management (SWM) pond is depicted on the current rezoning plan set. In addition, existing Proffer 29 indicates that the owner will conform with the standards and procedures outlined in the “Preliminary Recommendations for Belmont Glen/Rouse Property”, prepared by Loudoun County Sanitation Authority, which recommends the use of low impact development and, specifically, bioretention on the property. Consistent with this commitment, the previously approved preliminary subdivision and construction plans and profiles incorporated low impact development facilities within the project. Staff recommends that a consistent SWM/BMP approach be provided with the current rezoning application. Providing additional low impact development facilities up in the site may also help to meet the FSM Reservoir Protection Requirements.

***Applicant Response:*** *The approved construction plans for the current approved lay-out meet all stormwater management requirements and were approved as a result of extensive review by County environmental staff. The concept development plan, however, has identified three potential sites for LID facilities to be determined at the time of construction plan approval for the revised lay-out.*

14. Existing Proffer 19 states that the applicant shall re-stabilize any areas within the 300-foot scenic easement that show erosion impacts and that are degraded. The proffer goes on to state that re-stabilization techniques may include replanting and the use of erosion control devices. At the time of the preliminary subdivision review, staff found that the intent of this section of the proffer was unclear and difficult to achieve due to existing tree cover in areas that show erosion impacts as well as Corps and DEQ requirements. Maintaining the overall intent to protect water quality, staff recommends replacing the re-stabilization commitment with reforesting open areas within the 300-foot buffer.

***Applicant Response:*** *Parks and Recreation staff is not interested in maintaining trees within the area being dedicated to the County for parkland. Therefore, the applicant is implementing the recommendation to replace the restabilization commitment with reforesting open space areas on the HOA-owned portions of the open space areas.*



*Other*

15. Staff recommends adjusting the proposed layout to maximize protection of jurisdictional wetlands and streams, particularly the south-central wetland system, consistent with Revised General Plan (RGP) River and Stream Corridor Policy 11. Staff also emphasizes the importance of mitigating wetland and stream impacts close to the impact area to help maintain water quality and flood protection functions, as well as habitat. As such, for any necessary mitigation, staff recommends that the applicant commit to prioritizing mitigation as follows: 1) onsite, 2) within the Goose Creek Watershed within the same Planning Policy Area, 3) within the Goose Creek Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the Corps and the Virginia Department of Environmental Quality (DEQ). This approach is consistent with Policy 23 on Page 5-11 of the RGP which states that “the County will support the federal goal of no net loss to wetlands in the County.” Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible [RGP, Page 6-8, Green Infrastructure Text].

***Applicant Response:*** *This property has already undergone extensive engineering and environmental analysis, and wetlands permits have been issued by the Army Corps of Engineers. To the extent the revised lay-out affects these permits and any other wetlands areas, the applicant agrees to provide mitigation either on-site or within Loudoun County.*

16. Staff encourages implementation of green building standards within this application. Guiding Principle Policy 12 of CPAM-2007-0001 states that “The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts.” Accordingly, staff recommends a green building commitment with this application that takes advantage of available third party standards for homes, including Passive House, National Association of Home Building standards, EarthCraft Virginia, or Leadership in Energy and Environmental Design. At a minimum, staff recommends a commitment to Energy Star certification for all homes; construction waste management that diverts at least 50 percent (by weight) of construction, demolition, and landclearing (CDL) waste from landfills; installation of Energy Star and/or Water Sense appliances and fixtures in all homes; and an education program about these features for homeowners that includes an owner’s manual and new resident orientation. Note that Energy Star Certification for homes can lead to more desirable home mortgages pursued by future buyers, which is consistent with the advantages of the revised concept plan listed in the statement of justification, “greener community” and “more-cost efficient home”.

***Applicant Response:*** *The applicant has included a proffer to construct the units according to the National Association of Homebuilders (NAHB) Green Building Program bronze level certification.*

17. Staff recommends that the applicant coordinate with the City of Fairfax regarding the established Emergency Action Plan for the Beaverdam Reservoir to identify whether or not the proposed lots fall within the predicted breach flood zone and if they should be added into the Emergency Action Plan.

***Applicant Response:*** *The applicant's engineer has contacted the City of Fairfax and learned that the dam breach analysis will not be completed until summer of 2010. The City of Fairfax engineers have been alerted to consider the effects on this project.*

**LOUDOUN WATER (JULIE ATWELL, 9/29/2009)**

Loudoun Water has reviewed the referenced referral application and offers the following comments:

- Provide either open space between lots 191 & 192 for the sanitary sewer (as previously proposed) or 30' easement for the sanitary sewer as it traverses the lots.

***Applicant Response:*** *An easement will be provided on lots 191 & 192, as shown on Sheet 5 of the concept plan, for the sanitary sewer as recommended.*

- Provide Loudoun Water with an updated/revised water model prior to submission of revisions to the approved site plan.

***Applicant Response:*** *Comment acknowledged.*

- Loudoun Water might require that water main be extended from the cul-de-sac ending near lot 169 to Fairhunt Drive, this will be determined upon review of the updated water model and the revised site plan.

***Applicant Response:*** *The applicant is accommodating this, and a connection will be provided between lots 121/122 and 162/163, as shown on Sheet 5 of the concept plan.*

**LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (MARIA TAYLOR, 9/24/2009)**

The Planning Staff in agreement with the Fire Marshal's office is not opposed to the zoning modifications as requested. Although the Applicant stated that development will be restricted to no more than 31 units until access is provided through the Goose Creek Estates property Staff is concerned with the limited access available to the site. Staff respectfully requests information regarding the timing of the construction of the second access point and a brief summary of the proposed internal road network as well as how many additional units are approved as part of the Goose Creek Estates development that would be served by the same access point.

***Applicant Response:*** *Due to additional access points to Belmont Ridge Road now being available further to the south via Corro Place, the applicant has now restricted development to 60 zoning permits until the second access point is open through the Goose Creek Estates*

*property. That project is zoned for a maximum of 500 dwelling units, and it will be providing a median divided, signalized entrance at Belmont Ridge Road across from Broadlands Boulevard. Once Goose Creek Estates and Belmont Glen Village are completed there will be an interconnected road network through these two projects and Belmont Glen and Corro to the south sharing three entrances onto Belmont Ridge Road. Sheet 4 illustrates this road network. The timing of the construction of the road connection through the Goose Creek Estates property will be determined by the developer for that property; therefore, this applicant is restricted in the number of units they may construct until that road connection is provided.*

**LOUDOUN COUNTY HEALTH DEPARTMENT (MATTHEW D. TOLLEY, 8/28/2009)**

The Health Department recommends approval of this application. The proposed development will utilize public water and sewer. There is a hand-dug well and septic tank serving the house in the southern part of the property which will have to be permitted and abandoned prior to record plat. Likewise, serving the house on the northern part of the property there are three wells and a septic tank which will require a similar treatment. The plat reviewed was prepared by Dewberry and was dated 12 June 2009.

Attachments      Yes \_\_\_\_ No X

**Applicant Response:** *The private wells and septic tanks will be abandoned prior to record plat approval.*

**LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN FULLER, 9/22/2009)**

1. On Sheet 3 of the CDP, please label Landbay "C" Open Space Dedication Line as, "Future Public Passive Park."

**Applicant Response:** *Sheet 3 has been revised as recommended.*

2. PRCS requests that the Applicant proffer signage within the "Future Public Passive Park in Landbay C. This may include, but not be limited to, entrance signage, interpretive signage, and trail markers. The signage should meet PRCS standards at the time of installation.

**Applicant Response:** *The applicant is proffering a \$1,000 contribution to the County to install directional signage for the passive park.*

3. PRCS requests a revised entrance to Landbay C, to include a trailhead with vehicular parking in the vicinity of the future Loudoun Water Pump Station.

**Applicant Response:** *Since this is a single family residential community, it was never intended that Belmont Glen Village would provide vehicular access for members of the public to access the Goose Creek passive linear park. Rather, vehicular traffic could park and access the linear park from the Tillett park site to the south or the commercial portion of Goose Creek Village to the north. Pedestrian access is being provided to the general public from the Belmont Ridge Road trail via the access trail provided on the existing gravel roadway along the south side of the Belmont Glen Village property to the pedestrian sidewalk network within Belmont Glen Village to the break between lots 184 and 185. The applicant will grant a public access to the County-owned parkland over the access driveway being constructed to access the stormwater management pond for maintenance.*

4. PRCS requests that the Applicant consider adjusting the location of the "SWM Pond" out of Landbay C.

**Applicant Response:** *The land area encompassed by the SWM pond has been excluded from the area being dedicated to the County, in response to staff's request. The applicant is maintaining the current commitment of dedicating 61.33 acres to the County for the passive linear park along Goose Creek.*

**LOUDOUN COUNTY DEPARTMENT OF GENERAL SERVICES (BOYD CHURCH, 9/21/2009)**

The Department of General Services reserves the right to comment on the above referenced project when stormwater management plans are developed usually at the Development Review stage. If you have any questions, please contact me.

**Applicant Response:** *Comment acknowledged.*

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (LOU MOSURAK, 10/7/2009)**

**Transportation Comments**

1. Further coordination with VDOT would be appropriate concerning VDOT Secondary Street Acceptance Requirements (SSAR) given the previous approvals and proffer contributions for this site. For reference, illustrations of both the approved and proposed road network on-site are provided as *Attachments 3 and 4*, respectively. It is noted that the development provides interparcel access to adjacent developments on both the north and south via approved or existing public streets and does not propose a new entrance onto Route 659.

**Applicant Response:** *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project.*

2. Further coordination with VDOT would be appropriate concerning the Chapter 527 traffic impact analysis regulations given the previous approvals and proffer contributions for this site.



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**Applicant Response:** *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project. A Chapter 527 study is not required, and the applicant has submitted a letter to VDOT, as requested, stating that there are no changes to the traffic analysis as a result of the proposed revisions to the site lay-out as and that traffic analysis submitted for the approved rezoning remains valid.*

3. All previous transportation proffer obligations associated with ZMAP 2004-0006 (e.g., right-of-way dedication along Route 659, Route 659 multi-use trail construction along the site frontage, development phasing, etc) should be carried forward with these applications.

**Applicant Response:** *These proffer obligations are carried forward in the draft proffer statement. However, the cash contributions for regional road purposes have already been fulfilled.*

#### **Conclusion**

**OTS will offer a recommendation once it has received the Applicant's responses to the comments in this referral. OTS staff is available to meet with the Applicant and VDOT to discuss the transportation issues related to this proposal.**

**Applicant Response:** *The applicant, VDOT and OTS met on October 15, 2009.*

#### **VIRGINIA DEPARTMENT OF TRANSPORTATION (RASHID SIRAJ, 9/30/2009)**

1. Since the layout of the proposed development has been considerably revised from the previously approved plat it is now subject to the latest VDOT *Secondary Street Acceptance Requirements* (SSAR). The applicant therefore should ensure conformance by providing on the plan all related design features including area types, connectivity index and computations, schematics, etc.

**Applicant Response:** *The revised lay-out conforms to these requirements.*

2. It appears that no phase of the previously approved plat for this development was ever constructed. The revised layout on the same site is now considered a new development generating traffic volume in excess of 100 vph on a state controlled highway, i.e. Belmont Ridge Road, Route 659. In accordance with Chapter 527 Regulation this may qualify for submitting a new traffic impact analysis to VDOT for further review and comment. Loudoun County may consider this application accordingly.

**Applicant Response:** *The applicant met with VDOT and OTS staff on October 15, 2009 at which time it was agreed the Chapter 527 analysis is not required. The applicant has provided a letter to VDOT, as requested, stating that the proposed revisions do not alter the prior traffic analysis conclusions and that the prior traffic analysis remains valid.*

3. The road layout proposed for the development should provide an adequate line of sight at the intersections without impacting the location of the adjacent lots. We strongly suggest verifying the sight distance at this time to avoid complications resulting from relocating these lots in future.

**Applicant Response:** *The applicant has determined that the proposed lay-out will comply with the sight distance requirements.*

**THE GOOSE CREEK SCENIC RIVER ADVISORY COMMITTEE (HELEN CASEY, 9/11/2009)**

There does not appear to be any change in the property as it affects Goose Creek and its scenic easement buffers as was first agreed upon by the property developers.

Please keep us apprised of other referrals and/or information that may affect Goose Creek scenic beauty or water quality in regard to this project. As information is developed, we reserve the right to bring any further comments to your attention.

***Applicant Response: The Goose Creek scenic easement buffer remains unchanged by the proposed revisions.***

The applicant has provided these responses in anticipation of being scheduled for the January Planning Commission public hearing. Please contact me if you have any questions or need additional information.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH,  
P.C.

Christine Gleckner, AICP  
Land Use Planner

Enclosure

cc: Richard Entsminger, Bayshire, LC  
James Mobley, Bayshire, LC  
Rich Brittingham, Dewberry  
Kevin Sitzman, Wells and Associates